
Please route to

____ General Manager
____ Sales Department
____ News and Sports
____ Programming
____ Production
____ Promotion
____ Engineering

Inside this Issue

Page 1

- **Chairman's message**
- **EEO Rule unconstitutional**

Page 2

- **KAB's 50th**
- **Highlighting our past**
- **Awards guidelines review**

Page 3

- **Past presidents/chairmen**
- **More pass inspection**
- **KARB 1951-'55**
- **New members/renewals**
- **Ownership report/Feb 1**

Page 4

- **KAB Calendar**
- **EAS Monthly Test dates**
- **Kennard out, Powell in**
- **LIFE Project and KAB**

Page 5

- **Washington update**
- **Harder resigns board seat**
- **News briefs**
- **Farm Bureau award to Lenz**
- **Bill Bailey**

The *Transmitter* is free to members and available to non-members by subscription for \$25 per year. KAB's mission is to provide professional lobbying and governmental representation, efficient communication and effective recruiting, education and training for Kansas broadcasters for the purpose of enhancing the success of Kansas broadcasters and helping them better serve the people of Kansas.

Kansas Association of Broadcasters
1916 SW Sieben Ct, Topeka KS 66611
(785) 235-1307*FAX (785) 233-3052
www.kab.net * e-mail: harriet@kab.net

50 Years of Service



Chairman's message

(Danny Thomas, KOAM TV)

It is an interesting thing about our listeners and viewers. They, like all Americans, don't like to be forced into anything. It probably has to do with freedom. When surveyed, they will tell you that choice is most important to them. Whether they're talking about restaurants in their town, clothing store options, grocery store selection or even entertainment, they think the more choice the better.

When they think of radio or television the same principle holds true. They want and seek more choice. The fact is, today, they have more choice than ever and more is coming. Broadcasters get frustrated by this and even work to legislate against choice. It seems to us the more choice listeners and viewers have, the smaller our audience will be. Some believe that the entire concept of free over the air broadcasting is in jeopardy, and it very well may be.

We get frustrated with our listeners and viewers and want to shake our fists and say, "your choices are about to kill the only free news, entertainment and information source available." Some of us may even slip into some delusions of grandeur fantasy thinking, "they'll miss us when we're gone." *They will miss us* when we're gone and probably blame us for it. You see, today, all they see are choices and choice is what they cherish.

We must save our industry. Yes, for our own personal business interest, but also for an even greater,

(continued page 2)

1951-2001

A Golden Past A Bright Future

Transmitter

Volume 40 No 1

January 24, 2001

FCC's EEO Rule unconstitutional

In a unanimous decision issued on January 16, 2001, the United States Court of Appeals for the District of Columbia Circuit held the Federal Communications Commission's EEO Rule unconstitutional. The appeal challenging the Rule was brought by the state broadcasters associations representing radio and television broadcasters in all 50 states, the District of Columbia and Puerto Rico. The Rule had been adopted by the FCC in February 2000 in response to the same Court's 1999 ruling in *Lutheran Church v. FCC*, holding the prior EEO Rule unconstitutional.

Kansas Association of Broadcasters joined the challenge to the EEO Rule in order to prevent Kansas radio and television stations from being forced to participate in a federally inspired, constitutionally impermissible employment program, and to protect stations from abuse of the FCC's process under the EEO Rule.

Kansas broadcasters and KAB have consistently supported voluntary efforts to reach out pro-actively to minorities and women for employment in the broadcasting industry. KAB's Broadcast Careers Program exemplifies the Association's commitment, on behalf of all Kansas radio and television stations, to the goal of nondiscrimination in the workplace. The Program represents a thoughtful, multifaceted race and gender neutral program to encourage and enable more people of all races, ages, ethnicities and genders to enter the broadcasting industry. It includes broadening the awareness of broadcasting as a rewarding career; ensuring that schools and colleges share that appreciation in terms of offering relevant courses and experiences; providing scholarships and

(continued page 2)

Chairman's message continued

free over the air broadcasting system. That is what started this organization 50 years ago. Let's not have it be said by those who came before us that we became frustrated, lost focus or simply gave up on something that has meant so much to our communities, state and nation.

Let's have the attendees at the 75th anniversary convention of KAB remember what the group at the 50th anniversary convention said and did. We cared enough about our product to save it for the listeners and viewers, in spite of what our listeners and viewers thought they wanted. I hope to use this forum in future newsletters to explore ideas to accomplish this goal.

#

EEO continued

paid internships to those who have a serious interest in pursuing a career in broadcasting; using the Internet to give those persons who are truly interested in pursuing a job in broadcasting information on station job vacancies in Kansas and, through links to other broadcast associations, throughout the country; and, by continuing to educate stations on their responsibilities.

In holding the Commission's Rule unconstitutional, the Court found that the Rule's supplemental recruitment Option B" created pressure on stations to focus their recruiting efforts upon women and minorities in order to induce more applications from those groups, and thereby created a racial classification that violates the Equal Protection Clause of the Constitution. "The Commission has designed a rule under which non-minorities are less likely to receive notification of job openings solely because of their race; that the most qualified applicant from among those recruited will presumably get the job does not mean that people are being treated equally - that is, without regard to their race in the qualifying round," the Court held.

The Court noted that under Option B, licensees reporting few or no women and minorities in their applicant pools would be subject to investigation, and the threat of such investigations is a powerful one, almost guaranteed to induce the desired

2001 Transmitters to highlight our past

In each of the 11 issues of the *KAB Transmitter* in 2001, we will highlight KAB's past in four to five year blocks, beginning this month with 1951 through 1955.

Elsewhere in this issue are highlights of KAB's first five years and a list of past presidents/chairmen.

#

conduct. The Court said that the Rule's focus on the race and sex of applicants was evidence that the FCC, with life and death power over broadcast licensees, was interested in results, not process, and was determined to get them.

The Court ruled that a government mandate for recruitment targeted at minorities was not narrowly tailored to further a compelling governmental interest. The sweeping requirement on all stations to recruit minorities without the FCC having found that a particular broadcaster had discriminated in the past or could be expected to do so in the future was the antithesis of a rule narrowly tailored to meet a real problem. Moreover, the use of racial data to measure results in Option B simply did not provide evidence of the effectiveness of a licensee's efforts to achieve broad outreach, much less, was narrowly tailored to further the Commission's stated goal of nondiscrimination in the broadcast industry.

The Court held that because the offending portions of the rule could not be severed without destroying the whole structure of the rule and producing a rule strikingly different from any the Commission has promulgated, or even considered, the entire rule must be voided.

March 2, 2001 is the deadline for the government and the intervenors to file for reconsideration/rehearing of the Court's EEO decision. The deadline for filing petitions with the Supreme Court is April 16, 2001. Accordingly, the EEO Rule can be expected to remain in effect until either the Court's judgment is final or the Commission announces the suspension of its EEO Rule prior to that time.

#

2001 – KAB's 50th

KAB celebrates its 50th Anniversary during 2001. The organizational meeting of the Kansas Association of Radio Broadcasters occurred in Topeka on May 20, 1951.

In 2001, we're using the 50th as an opportunity to create awareness about Kansans' best source for news, information, entertainment, and community service – their local radio and television stations.

Materials KAB is producing for the 50th celebration include television and radio announcements and a video and brochure for broadcasters to use in front of service clubs, professional and student groups, which highlights the history and development of broadcasting, as well as our converging, digital future.

In each of the radio and TV announcements, a famous Kansan relates the impact their local Kansas stations had on their interest and development in their chosen profession. These famous Kansans include Bill Kurtis, Bob Dole, Lynette Woodard, Jim Lehrer, Marlin Fitzwater and Cong. Jim Ryun. The television announcements have been distributed. The radio announcements, video and brochure will be distributed in the next few weeks.

#

Awards guidelines under review

A KAB Awards committee, chaired by Larry Avery, EBC, Inc., will review KAB's awards guidelines with an eye to improving and clarifying where necessary. Go to KAB's web site – www.kab.net/events/Awds-overview to retrieve the guidelines as they currently stand. Members who have suggestions should pass them on to Larry at (785) 537-3232; e-mail: lavery@informatics.net.

New guidelines will be distributed following the review. Deadline for entries will be July 2.

#

2001 KAB Convention

October 9-11, Topeka

Past presidents/chairmen

We salute these Kansas broadcasters who served their industry through leadership of the KARB/KAB.

1951-53 *Ben Ludy, WIBW
1953-55 *Ray Jensen, KSAL
1955-57 Bob Wells, KIUL
1957-58 *Grover Cobb, KVGB
1958-59 *Arden Booth, KLWN
1959-60 Tom Bashaw, KFH
1960-62 *Thad Sandstrom, WIBW
1962-63 Max Falkenstien, WREN
1963-64 Bob Schmidt, KAYS
1964-65 Bob Pratt, KGGF
1965-66 *Fred Conger, KWBW
1966-67 *Ed Mason, KXXX
1967-68 Dale McCoy, KAKE
1968-69 *Bob Hilgendorf, KVGB
1969-70 Kay Melia, KLOE
1970-71 Lowell Jack, KMAN
1971-72 *Sherwood Parks, KINA
1972-73 Bob Fromme, WREN
1973-74 Jerry Holley, WIBW
1974-75 Tony Jewell, KIUL
1975-76 H. Pat Powers, KTPK
1976-77 Ken Jennison, KSAL/KYEZ
1977-78 Don O'Malley, KWNS
1978-79 BoB Templeton, KAYS
1979-80 Robert Russell, KEWI
1980-81 Bill Bengtson, KOAM TV
1981-82 Bill Bengtson, KOAM TV
1982-83 Frank Gunn, KAKZ/KYMG
1983-84 George Logan, WIBW TV
1984-85 Russell Gibson, KINA
1985-86 Sam Elliott, KULY/KHUQ
1987 Hank Booth, KLWN/KLZR
1988 *John Mileham, KWCH TV
1989 Don Neer, KTOP/KDW
1990 Stu Melchert, KSCB
1991 Gary Shorman, KAYS, Inc.
1992 Bob Newton, KLWN/KLZR
1993 Jerry Hinrikus, KABI/KSAJ
1994 Lea Firestone, KVOE/KFFX
1995 Richard Wartell, KMAN/KMKF
1996 Marty Melia, KLOE/KKCI
1997 Joe Engel, KAYS/KHAZ
1998 Howard Hill, KANU FM
1999 Lance Sayler, KKOW/KBZI
2000 Robert Hilton, KNZA, Inc.

* Deceased

#

More pass inspection

These stations have recently passed their KAB/FCC Alternative Inspection, granting them a three-year exemption from routine FCC inspections: **KSAS TV** and **KSCC TV**, Wichita.

The KARB 1951-'55

In 1951, Grover Cobb, VP/GM of KVGB, contacted other Kansas radio broadcasters about the argument over athletic fees tax-supported Kansas colleges were charging broadcasters, while "rolling out the red carpet for the newspaper boys". After his letter Cobb organized the first meeting of the Kansas Association of *Radio* Broadcasters, held May 20, 1951 at the Kansan Hotel in Topeka. Ben Ludy, WIBW was elected president. A constitution and bylaws were approved by the membership at an August meeting.

The second convention was held in May 1952; Ben Ludy was elected president for a second term. Speakers at the convention covered topics such as management, sales, programming, news and current broadcast issues. FCC Commissioner Ernest Theleman spoke and NAB VP Robert Richards delivered an address, "Why There Are More Radios Than Bathtubs".

In 1953, the KARB offered its first seminar – a news clinic at KU. President Ray Jensen, an advocate for good relations with state schools, wrote to KARB members, "We should offer the radio dept. of KU, K-State and other schools our cooperation...toward a better understanding by those teaching radio, of the problems of operators of commercial stations, and also a better understanding by broadcasters of the problems of teaching radio..."

In 1954, KARB resolved its athletic broadcast problems with KU and KSU. However, the problem persisted, shifting to high schools and Wichita University.

A special request was made in 1955, to the Legislative Council, to consider making available license plates with station call letters for broadcasters' vehicles, to expedite their services in emergencies.

In the February *Transmitter* we'll highlight the years 1956 to 1959.

#

Welcome new members

A warm KAB welcome to new student member, **William Korb**, Fort Hays State University; and to new station members: **KBGL FM**, Hays (new sister station to KFIX FM, Rhonda Stevenson, general manager; **KPRD FM**, Hays, Herb Roszhart, general manager; and **KDMM FM**, Herington; Don Willis, owner.

These have renewed their membership in KAB for 2001:

RADIO – **KACY FM** and **KSOK AM/FM**, Arkansas City; **KAIR AM/FM**, Atchison; **KGCR FM**, Brewster; **KINZ FM**, Chanute; **KNCK/KCKS** and **KVCO FM**, Concordia; **KBTL FM**, El Dorado; **KVOE AM/FM**, **KFFX FM**, Emporia; **KMDO/KOMB**, Fort Scott; **KFIX FM**, Hays; **KNZA FM**, Hiawatha; **KCVW FM**, **KHCC/KHCD/KHCT** and **KSKU/KXKU/KGGG**, Hutchinson; **KJCK AM/FM**, **KQLA FM**, Junction City; **KCCV AM/FM**, Kansas City; **KANU FM**, Lawrence; **KSCB AM/FM**, **KLDG FM**, Liberal; **KMAN/KMKF/KXBZ**, Manhattan; **KJIL/KHYM**, Meade; **KJRG AM**, Newton; **KOFO AM** and **KTJO FM**, Ottawa; **KLKC AM/FM**, Parsons; **KRPS FM**, Pittsburg; **KRSL/KCAY**, Russell; **KQNS FM**, Salina; **KMZA FM**, Seneca; **KCVT FM**, Silver Lake; **KFDI AM/FM**, **KYQQ/KMXW/KICT/KFXJ**, **KSJM FM**, and **KYFW FM**, Wichita. **TELEVISION** – **KOOD/KSWK/KDCK TV**, Bunker Hill; **KBSD TV**, Dodge City; **KBSL TV**, Goodland; **KBSH TV**, Hays; **KTMJ TV**, Junction City; **KSAS/KSCC TV**, **KTQW TV**, and **KWCH TV**, Wichita.

Station dues should be mailed to KAB by January 31. Call (785) 235-1307 for a 2001 investment/dues schedule.

#

Ownership Report Due February 1

Commercial radio and TV stations in Kansas must update their ownership reports (FCC Form 323) by February 1. The Form may be obtained by calling 1-800-418-3676 or from the FCC's web site at www.fcc.gov.

#

KAB/Broadcast Calendar

- February 1, Deadline for Entries in KAB Student PSA Contest (alc/drug prevention-prom/grad)
- February 1-4, RAB 2001, Dallas
- February 10-13, Natl Religious Broadcasters Convention, Dallas
- Feb. 28-March 3, Country Radio Seminar
- March 2, Deadline for Entries in KAB Student Broadcast Awards
- March 10-13, NAB Leadership Conference, Washington DC
- March 22, Dave Gifford KAB Sales Seminar
- March 29 (TBC), KAB Board of Directors, Kansas City
- April 1, Deadline for KAB Kids Scholarships Applications
- April 10 (TBC), KAB Student Seminar/Career Fair, Wichita
- April 20-23, Broadcast Education Assn Convention, Las Vegas
- April 23-26, NAB, Las Vegas
- May 1, Deadline for KAB Broadcast Scholarship Applications
- May 1, Deadline for KAB Faculty and Student Internships (summer)
- May 11-12, FREE DTV / Engineering Meeting (to attract potential recruits for broadcast engineers); AND SBE Tutorial: Designated Chief Operator/FCC Rules Review; SBE Broadcast Networking Certification Tutorial; and Broadcast Networking Certification Examination
- May 15-20 National Public Radio Conference, Seattle
- May 23 (TBC), KAB Broadcast Scholarship Interviews, Topeka
- June 4, KAB Sales Academy, Wichita
- June 5, KAB Board of Directors Meeting, Wichita
- July 2, Deadline for KAB Awards Entries
- July 16-Aug 3, KAB Office Closed

EAS Monthly Tests / 2001

February 13	10:50 PM
March 13	1:50 PM
April 10	10:50 PM
May 8	1:50 PM
June 12	10:50 PM
July 10	1:50 PM
August 14	10:50 PM
September 11	1:50 PM
October 9	10:50 PM
November 13	1:50 PM
December 11	10:50 PM

The monthly EAS tests in Kansas are conducted on the second Tuesday of each month – odd months at about 1:50 pm; even months at about 10:50 pm. A copy of this schedule should be given to your traffic department and a copy to your operations staff for their information.

- August 9, Deadline for nominations: DSA, Hall of Fame, Slater, Humiston, Jewell & Tourism KAB Awards
- August 16, KAB Board of Directors Meeting, Pittsburg
- September 5-8, NAB Radio Show/BEDA, New Orleans
- September 12-15, RTNDA Internatl Conference, Nashville
- September 24 (TBC), KAB Production/Continuity Academy
- October 9-11, KAB 50th Anniversary Convention and Job Fair, Topeka Capitol Plaza Hotel
- November 1, Deadline for KAB Student PSA Contest (alc/drug prevention - holidays)
- November 1, Deadline for KAB Faculty and Student Paid Internships (semester break / spring break)
- November 7, KAB Executive Committee Meeting, Topeka
- December 10, KAB Internet Academy
- December 11, KAB Board Meeting

Kennard out, Powell in as FCC chairman

William Kennard resigned his seat and chairmanship at the FCC effective January 19. On January 22, President George Bush appointed a Republican, Commissioner Michael Powell, to take the helm of the FCC.

Powell began his term as an FCC Commissioner in 1997. He previously was chief of staff of the Antitrust Division in the Department of Justice and prior to that he was an associate in the DC law firm of O'Melveny & Myers LLP. He also served as a policy advisor to the Secretary of Defense and he served as an armor officer in the U.S. Army.

NAB CEO Eddie Fritts said of the appointment of Powell, "President Bush has made an outstanding choice for FCC chairman. Michael Powell has demonstrated a keen intellect and a firm grasp on public policy issues. We look forward to working with him."

#

LIFE Project & KAB

KAB and Kansas broadcasters are important partners in Kansas LIFE Project – an awareness campaign to acquaint Kansans about choices they have to ensure quality end-of-life care for themselves or loved ones.

Much like KAB's commitment to finding families for Kansas children in need, the KAB Board of Directors endorsed The LIFE Project and encourages all stations to air the PSAs distributed in December, and to report to KAB the amount of time and dollar value of the spots aired.

The purpose of The LIFE Project is to ensure that all Kansans faced with death and dying, live their last days free of pain and involved in their own health care choices. Kansas broadcasters will be instrumental in educating Kansans that they can "direct and determine the kind of care they and their loved ones receive" at the end of life.

KAB is one of many statewide associations involved with The LIFE Project coalition, which also includes public and private agencies and educational institutions.

#

KAB - 50 years of service

1951-2001

Washington update

At the FCC

*The FCC announced a **new address for filing applications and fees**. The new address is Mellon Client Service Center, 500 Ross St, Room 670, Pittsburgh, PA 15262. For information call Susan Donahue (202) 418-1995.

*The Commission has **set DTV deadlines**: December 31, 2003 – the date for stations with both analog and digital channel assignments to elect which channel will be used for digital channel after their transition (Dec 31, 2004 for public stations); December 31, 2004 – date by which commercial stations will lose interference protection for those portions of their existing NTSC service area not replicated with their DTV signal (Dec 31, 2005 for public stations); by December 31, 2004 – commercial DTV stations must provide a stronger signal to communities of license than the DTV service contour they were initially required to provide (Dec 31, 2005 for public stations).

In Congress

*Congress **included local-into-local loan guarantee** language in their final year-end spending bill, which provides for \$1.25 billion in federally backed loan guarantees to satellite companies so they may expand local-into-local TV service to small and medium TV markets.

#

Harder resigns Board

Douglas Harder, general manager of Western Kansas Broadcast Center, Garden City, has resigned his position at the radio stations and his KAB Board position, effective January 26. He's pursuing other business interests in Garden City. Scott Smith is assuming some of Doug's responsibilities and will be the stations' representative in the KAB. The KAB Board will appoint a replacement to complete Doug's term, which will end December 31, 2001.

#

News briefs

***Bill Miller** of The Bill Miller Show will celebrate his 50th year of broadcasting on February 19. Send your congratulations to Bill at 110 S Cherry, Suite C, Olathe KS 66061. Miller is a former KAB Board Member and 1998 recipient of KAB's Distinguished Service Award.

***Waite Media Inc.**, Omaha, has purchased Goodstar Broadcasting's 14 radio stations in Kansas, for \$5 million. The stations are located in Colby, Dodge City, Great Bend, Larned, Liberal, Salina, Oberlin and Pratt. **Gene Dickerson** is president of Goodstar and **Norman Waite Jr.** is chairman/owner of Waite Media.

***Mark Vail** has taken over management responsibilities for Eagle Radio's Hays stations – **KAYS, KHAZ, KJLS, and KKQY**. Former manager of KAYS/KHAZ, **Joe Engel**, is now in charge of cable TV sales for Eagle Communications. And KJLS/KKQY Manager **Rob Bunting** is heading up Eagle Interactive, the company's web development division.

*Former WIBW TV manager, **Gary Sotir**, has assumed management responsibilities at **KTMJ TV**, Junction City.

***Bill Kurtis**, who started his broadcast career at **KIND AM/FM** in Independence, has purchased the stations from Nelson Rupard's estate. **Patti McCormick** is general manager and currently overseeing the construction of new facilities.

***Darren Irwin** is new GM at **KILS FM**, Salina. He previously worked at Eagle Radio and Radio, Inc. in Hays.

***Barry King** has replaced Chris Thompson at **Colby Community College, KTCC FM**. Barry previously was at Ottawa University, where **Brad Howard** is filling in on an adjunct basis, taking care of **KTJO FM**.

#

Farm Bureau DSA to Kelly Lenz

Kansas Farm Bureau presented farm broadcaster, Kelly Lenz, WIBW, with its Distinguished Service to Agriculture Award during their recent annual meeting. Lenz is farm director at WIBW Radio and Kansas Agriculture Network; and he does a noon television news show on WIBW TV.

The Farm Bureau also presented their DSA to Cong. Jerry Moran for his service to agriculture.

#

Bill Bailey

William H. Bailey, 75, died January 5, 2001 at his home in Dodge City. He served as general manager of KTVC TV (now KBSD TV) in Dodge City from 1970 to 1990. He most recently was a realtor for Century 21.

He was raised in Ardmore, OK and earned a degree in English and Speech from Oklahoma City University in 1951. He served in the U.S. Army Air Corps from 1943 to 1946 and then as a Second Lieutenant in the Army Reserve.

He was a member and elder of the First Presbyterian Church. He also served on the Dodge City Real Estate Board and Rotary Club. He was a city commissioner from 1992 to 1994 and a past director of the Dodge City Chamber of Commerce.

Survivors include his wife, Elaine and a son, Brian, both of Dodge City; a daughter, Janet Roupas and husband, James, Albuquerque, NM; a sister, Bea Johnson of Tulsa; and one granddaughter. He was preceded in death in 1992, by a son, William James Bailey.

Memorial contributions may be made to the Dodge City Public Library, Hospice of the Prairie, or the American Cancer Society in care of Swaim Funeral Home, 1901 Sixth Ave, Dodge City KS 67801.